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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 TIMOTHY MCCOY, an individual;  
 11 KENNETH KENNEDY, an individual;  
 12 ALISSA KING, an individual;

Case No.: 2:25-cv-361

13 Plaintiffs,

v.

14 CITY OF LAS VEGAS, a political entity;  
 15 Officer JORGE CALOCA, an individual;  
 16 Officer MAURICE FRAZIER an individual;  
 17 Officer DAGMAWE WOLDEHAWARIAT,  
 an individual; Officer ALBERT PALTAO,  
 an individual; Officer JONATHAN  
 GALLEGOS, an individual; Officer  
 SERGIO GUZMAN, an individual,

18 Defendants.

**DISCOVERY PLAN AND  
SCHEDULING ORDER**

**SUBMITTED IN COMPLIANCE  
WITH LR 26-1(b)**

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21 1. Meeting. Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1 (a), a meeting was held on  
 22 May 28, 2025, and was attended by: George E. Robinson, Esq. on behalf of Plaintiffs, and,  
 23 Timothy J. Geswein, Esq. of behalf of Defendant City of Las Vegas.

24 2. Pre-Discovery Disclosures. The parties shall exchange the information required by  
 25 Fed. R. Civ. Proc. 26(a)(1) on or before June 11, 2025.

26 3. Discovery Plan. The parties jointly propose to the Court the following discovery  
 27 plan:

1                   (a) Subject of Anticipated Discovery. Discovery will be needed on the following  
2 subjects: All issues set forth in the pleadings and otherwise within the scope of Fed. R. Civ. P.  
3 26(b).

4                   (b) Should discovery be conducted in phases? No.

5                   (c) Issues regarding disclosure or discovery of electronically stored information form  
6 and forms in which it is produced: None. The parties further agree with Rule 26(b)(2)(B).

7                   (d) Issues about claims of privilege or protection of trial preparation materials: The  
8 parties agree with Rule 26(b)(5).

9                   (e) Changes made in limitations on discovery: None.

10                  (f) Other orders under Rule 26(c) or Rule 16(b) and (c): None.

11                  (g) Discovery Cut-Off Date(s). Discovery will take 180 days, measured from May  
12 28, 2025, which sets the discovery cut-off date for November 24, 2025.

13                  (h) Amending Pleadings. The date for filing motions to amend the pleadings or to add  
14 parties shall be August 27, 2025. This is 90 days before the discovery cut-off and does not exceed  
15 the outside limit 26-1(b)(2), which presumptively sets ninety days before the discovery cut-off  
16 date for filing such motions.

17                  (i) Fed. R. Civ. P. 26(a)(2) Disclosures (Experts). Disclosures of experts shall proceed  
18 according to LR 26-1(b)(3), as follows:

19                   i. The disclosure of experts and expert reports shall occur on or before  
20 September 26, 2025, which is 60 days before the discovery cut-off date.

21                   ii. The disclosure of rebuttal experts shall occur on or before October 26, 2025,  
22 which is within the 30-day deadline that LR 26-1(b)(3) presumptively  
23 establishes for rebuttal expert disclosures.

24                  (j) Other Discovery Matters. Further discovery shall be governed by the Federal Rules  
25

1 of Civil Procedure and by the corresponding Local Rules. Any discovery requested beyond the  
2 scope of this Order must be approved by the Court.

3       4. Other Items.

4       (a) Interim Status Report. The parties shall file the interim status report required by  
5 LR 26-3 by September 26, 2025, which is 60 days before this discovery cut-off date.

6       (b) Dispositive Motions. The parties shall have until December 24, 2025, to file  
7 dispositive motion(s). This is within thirty-day period that LR 26-1(b)(4) presumptively sets for  
8 filing dispositive motions.

9       (c) Alternative Dispute Resolution. Settlement may be enhanced by use of the  
10 following alternative dispute resolution procedure: mediation or settlement conference with a  
11 magistrate of the Court, that is not related to this case.

12       (d) Alternative Forms of Case Disposition. The parties considered consent to trial by  
13 magistrate judge and use of the short trial program.

14       (e) Pretrial Order. The pretrial order shall be filed by January 23, 2026, which is not  
15 more than thirty days after the date set for filing dispositive motions in the case. If dispositive  
16 motions are timely filed, this deadline is suspended until 30 days after a decision on dispositive  
17 motions or further order of the Court. Pursuant to LR 26-1(b)(6), the disclosures required in Fed.  
18 R. Civ. P. 26(a)(3) and any objections to them shall be made in the joint pretrial order.

19       (f) Later Appearing Parties. Plaintiff shall serve a copy of this discovery plan and  
20 scheduling order on any person served after it is entered or, if additional Defendants should appear,  
21 within five days of their first appearance. This discovery plan and scheduling order shall apply to  
22 such later-appearing part[y][ies], unless the Court, on motion and for good cause shown, orders  
23 otherwise.

24       ///  
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1                             (g) Extensions or Modifications of the Discovery Plan and Scheduling Order. LR 26-  
 2 4 governs modifications or extensions of this discovery plan and scheduling order. Any stipulation  
 3 or motion must be made not later than twenty days before the before the expiration of the subject  
 4 deadline and comply fully with LR 26-4.

5 **IT IS SO STIPULATED**

6 Dated this 29th day of May, 2025.

7  
8  
9 Dated this 29th day of May, 2025.

10 KERR SIMPSON ATTORNEYS AT LAW

11 /s/ George E. Robinson

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 17 *Attorneys for Plaintiff*

18 IT IS SO ORDERED. Denied without  
 19 prejudice. The parties' stipulation is not in  
 20 compliance with LR 26-1(b). The parties  
 21 request a longer discovery period than the  
 22 180 days that is afforded by LR 26-1(b).  
 23 The parties measured the 180-day period  
 24 from the date of the Rule 26(f) conference,  
 25 which is not compliant with LR 26-1(b).  
 26 The former provides that the 180-days are  
 27 measured from the date first defendant  
 28 appears, which was March 7, 2025 (ECF  
 No. 6). The parties also fail address their  
 untimely filing of the stipulated discovery  
 plan and scheduling order. Per LR 26-1,  
 the parties should have held the Rule 26(f)  
 within 30 days after defendant's March 7,  
 2025 motion to dismiss (ECF No. 6) and  
 then filed the stipulated discovery plan and  
 scheduling order 14 days later. The Local  
 Rules have been amended and LR 26-3 no  
 longer requires filing an interim status  
 report. Finally, revised LR 26-3 governs  
 extensions, not LR 26-4. The parties may  
 have leave to file an amended stipulation  
 by **June 9, 2025**, addressing the foregoing.

LAS VEGAS CITY ATTORNEY'S OFFICE

/s/ Timothy J. Geswein

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IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

Date: 5-30-25